

**BARRY UBALDI MCPHERSON & FLESHER LLP**

Jacob D. Fleisher, Esq., SBN: 210565  
Jamie A. Pearson, Esq., SBN: 221261  
11249 Gold Country Boulevard, Suite 170  
Gold River, CA 95670  
Telephone: (916) 635-2200  
Facsimile: (916) 635-2120

Attorneys for Defendant BNSF RAILWAY COMPANY  
f/k/a the BURLINGTON NORTHERN SANTA FE  
RAILWAY COMPANY

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

MICHAEL BRECHT,

**Case No. 2:05-CV-00859-WBS-KJM**

Plaintiff,

vs.

**STIPULATION AND ORDER TO EXTEND  
DEADLINE FOR FILING EXPERT  
DISCLOSURES**

BNSF RAILWAY COMPANY, f/k/a THE  
BURLINGTON NORTHERN SANTA  
FE RAILWAY COMPANY, a Delaware  
corporation,

Defendants.

\_\_\_\_\_  
BNSF RAILWAY COMPANY, a  
Delaware corporation,

Third Party Plaintiff,

vs.

HARSCO CORPORATION, a Delaware  
corporation,

**Date Action Filed:**  
**Trial Date:**

**May 2, 2005**  
**Feb. 5, 2007**

Third Party Defendant.

\_\_\_\_\_  
BNSF and Plaintiff have settled their underlying matter and a motion to dismiss  
plaintiff's case is scheduled to be heard on September 27, 2006. Third Party Plaintiff  
BNSF and Third Party Defendant HARSCO have agreed to extend the expert  
discovery cutoff by ten (10) days for each party in order to explore a possible

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Fleisher LLP

1 resolution to the Third Party Complaint. Third Party Plaintiff, BNSF's, expert  
2 disclosures are currently due Tuesday, August 22, 2006, and HARSCO's disclosures  
3 are currently due on September 26, 2006.

4 IT IS HEREBY STIPULATED that Third Party Plaintiff's Expert Disclosure is  
5 now due September 1, 2006 and Third Party Defendant's Expert Disclosure is now  
6 due October 6, 2006.

7 DATED: August 21, 2006.

8  
9 s/Fred Diamondstone  
10 FRED DIAMONDSTONE,  
Attorney for Plaintiff, MICHAEL BRECHT

11 DATED: August 21, 2006.

12 BARRY UBALDI McPHERSON &  
13 FLESHER LLP

14 By s/Jacob D. Flesher  
15 JACOB D. FLESHER,  
16 Attorneys for Defendant/Third Party  
Plaintiff BNSF RAILWAY COMPANY

17 DATED: August 21, 2006.

18 ECKERT SEAMANS

19 By s/Mark E. Gebauer  
20 MARK E. GEBAUER,  
21 Attorneys for Third Party Defendant  
22 HARSCO CORPORATION  
23  
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25 Barry Ubaldi  
McPherson &  
26 Flesher LLP

**ORDER**

**IT IS SO ORDERED.**

DATED: August 22, 2006.

  
UNITED STATES MAGISTRATE JUDGE

Barry Ubaldi  
McPherson &  
Flesher LLP